

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BERNETTA ROSE WALKING  
EAGLE,

Defendant.

CR 11-51-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on September 4, 2015. Defendant admitted she had violated Standard Condition 2 of her supervised release by failing to report to her probation officer as directed, she had violated Standard Condition 6 of her supervised release by failing to notify her probation officer of a change in residence, she had violated Special Condition 1 of her supervised release by failing to report for substance abuse testing, she had violated Special Condition 2 of her supervised release by failing to report for substance abuse treatment, and she had violated Special Condition 4 of her supervised release by consuming alcohol. Judge Johnston found the admissions sufficient to establish the supervised release

violations. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of six months, with no supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted she had violated Standard Conditions 2 and 6, and Special Conditions 1, 2 and 4. Defendant could be incarcerated for up to 24 months, followed by 26 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of six months in custody, followed by no supervised release is appropriate. Defendant has violated the terms of her supervised release on two prior occasions. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 75) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 22nd day of September, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

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Brian Morris  
United States District Court Judge